



ENVIRONMENTAL ENFORCEMENT POLICY

1. AIM

The aim of this policy is to state Totton and Eling Town Council's approach to National, County, District and Local Authorities approach to Environmental Crimes and to secure efficient and effective compliance through a fair and consistent approach.

This includes taking into account the Community Safety Concordat, advice from the Crown Prosecution Service, the Home Office and codes of Practice and Guidance from Defra.

2. SCOPE

This Policy covers the following functional areas:

- Abandoned Vehicles
- Air Pollution
- Bon-Fires
- Contaminated Land
- Dogs & Fouling
- Drainage
- Fireworks
- Fly-grazing
- Fly-posting
- Fly-tipping
- Graffiti
- Light Nuisance
- Litter & Littering
- Pest Control
- Odour Nuisance
- Noise Nuisance
- Waste Pollution
- Wildlife Animals

3. AUTHORISATION

In order to combat crime dealing with the environment within a designated area, powers of enforcement have been granted to authorised officers under the Environmental Protection Act 1990 and the Clean Neighbourhoods and Environment Act 2005 in accordance with the National Strategic adopted by New Forest District Council and in line with partnerships policies and procedures of the Department for Environment, Food & Rural Affairs.

4. COUNCIL

Totton and Eling Town Council's constitution, allows the Executive Management Team the duty to appoint officers with suitable qualifications, experience and level of competency to enforce, or to, ensure that appropriate officers are trained to the required level to undertake an enforcement role.

Authority to exercise functions in relation to environmental crimes has been delegated to the Community Warden as detailed in Council's constitution.

5. GENERAL PRINCIPLES

When carrying out the functions relating to Community Safety, it is important that Council works within the statutory framework set out by Government and that it follows best practice and procedures.

In particular, the Council is committed to acting in a fair and consistent manner and has adopted this Community Safety policy as part of this commitment. When exercising its functions, the Council will act in such a way which is:

- transparent
- accountable
- proportionate
- consistent
- targeted only at cases in which action is needed.

CRIMINAL LEGISLATION

- Anti-Social Behaviour , Crime and Policing Act 2014
- Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations 2007
- Environmental Offences (Use of Fixed Penalty Receipts) Regulations 2007
- Clean Neighbourhood and Environment Act 2005
- Anti-Social Behaviour Act 2003
- Environmental Protection Act 1990
- Refuse Disposal (Amenity) Act 1978

Account has been taken of:-

- Advice from the Department for Environment, Food and Rural Affairs (Defra)
- Advice from Hampshire Constabulary Environmental/Wildlife Enforcement Team
- Advice from the Criminal Prosecution Services (Environmental)
- Totton and Eling Town Council Enforcement Strategy
- New Forest Safety Partnership Enforcement Strategy
- The Dangerous Dogs Act 2015
- The Protection of Freedoms Act 2012
- The Children Act 2004
- Regulation of Investigatory Powers Act 2000
- Freedom of Information Act 2000
- Data Protection Act 1998
- Human Rights Act 1998
- Crime Procedures and investigations Act 1996
- Police and Criminal Evidence Act 1984
- Wildlife and Countryside Act 1981
- Local Government Act 1972

6. INTERVENTIONS & ENFORCEMENT

Totton and Eling Town Council adopts a robust stance in tackling anti-social behaviour and associated issues, as feeling safe in the community is frequently cited as one of the main issues for citizens been affected in our community and making the Town a safer place to live, work and visit.

In all investigations the emphasis will be on achieving a speedy resolution which is acceptable to all parties without the need to pursue legal remedy.

Whilst Totton and Eling Council Community Safety Team do not have the powers of arrest, the Community Safety Enforcement Officer (Warden) works closely with the police and all investigations relating to matters covered by this policy are jointly investigated which enables the full range of available enforcement powers to be utilised, including arrest.

After considering all relevant information one or more of the following courses of action could or may be taken:

- no action
- informal action (verbal or written)
- fixed penalty notice
- seizure
- caution
- prosecution
- injunction
- anti-social behaviour order

Not all of these options are available in every case. This underlines the need to consider powers available under each piece of legislation individually.

In making any decision on enforcement, the Community Safety Enforcement Officer will consider the following criteria:

- the seriousness of the offence
- the offender's past history
- consequences of non-compliance
- the known or likely public benefit of the chosen enforcement action
- the willingness of the offender to prevent a recurrence and in the case of a business, the confidence in management
- the likely ability of any witnesses to give evidence and their willingness to co-operate with the authorities
- the Crown Prosecution Service's Code of Practice for Crown Prosecutors

7. POLICY MONITORING

To ensure compliance with this policy, the activities of the Community Safety Team will be monitored by the Hampshire Constabulary and the Executive Officer of the Totton and Eling Town Council.

This policy will be reviewed annually by the Executive Officer of Totton and Eling Town Council.

8. TRAINING AND DEVELOPMENT

Appropriate resources will be made available for training for officers to enable them to successfully carry out their duties within this policy.

9. IMPACT ASSESSMENT

This policy falls within the Overarching Enforcement Strategy Equality impact assessment of Totton and Eling Town Council.



www.totton-and-eling-tc.gov.uk

Community Safety Enforcement Team
02380 424 014
07584 166 107